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January 26, 2006

Hon. Cheryl L. Pollak  
U.S. Magistrate Judge  
U.S. Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Fleurentin v. McDowell, et al.  
05 Civ. 4274 (ARR) (CLP)

Honorable Magistrate Judge:

We are the attorneys for defendant Sterling Empire Funding Associates Ltd. in the above-entitled action.

On or about January 3, 2006, we filed a notice of motion, affidavit and memorandum of law in support of a motion to dismiss the complaint as against said defendant pursuant to F.R.C.P. Rules 12 (b) (6) and 9 (b). Several days later Ms. Bridgers, the attorney for plaintiff, telephoned me. She stated that she would be out of town for a week and requested an adjournment of the motion. I told her that I had no objection to a reasonable adjournment of the motion (which, I believe, would ordinarily be returnable during the third week of January, 2006).

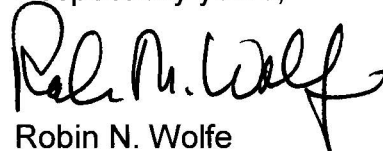
I heard nothing further from Ms. Bridgers concerning an adjournment of the motion. Nor have I received any advice from Your Honor's chambers regarding the motion. About a week ago, I called Ms. Bridgers and left a message on her answering machine to call me regarding her request for an adjournment. She never returned my call.

I had hoped that any arrangements regarding an adjournment of the motion, including an arrangement for me to have sufficient time to submit reply papers in connection therewith, would be finalized at the conference with Your Honor which

was scheduled to be held this morning at 11:00. Two days ago I received advice by e-mail from chambers that the conference had been adjourned to February 14, 2006 at Ms. Bridgers' request. It was not until late yesterday, however, that Ms. Bridgers faxed me a copy of her letter to Your Honor of January 23 in which she requested an adjournment of the conference. That letter inaccurately stated, "Counsel for the defendants who have appeared in this matter have consented to an adjournment of the scheduled initial conference." In fact, I was never asked to consent to an adjournment, did not do so and for the reason previously stated, would not have done so.

The purpose of this letter is to advise Your Honor of the foregoing and to urge that the aforementioned motion go forward to a determination by Your Honor.

Respectfully yours,



Robin N. Wolfe

RNW/neg

cc: Linda Bridgers, Esq.

*Plaintiff is Ordered to  
file her response  
to the motion to dismiss  
on or before February  
6, 2006. Failure to  
comply will result  
in a recommendation  
to dismiss the  
action. So Ordered*

*U WNT  
1/31/06*